

IN THE ABSTRACT

7.E  
Line 2, delete the colon;  
Line 3, delete "striped" insert --divided--;  
Line 4, delete "discs" insert --units--;  
Line 5, delete "striped" insert --divided--;  
Line 6, delete "the";  
Line 8, delete "the" insert --a--, delete "at fault;" insert  
--which has failed--;  
Line 12, delete "the" (first occurrence) insert --a--;  
Line 13, delete "out of" insert --from a--;  
Line 14, delete "the" insert --a--, delete the comma, after  
"and" insert --a--;  
Line 15, delete in its entirety insert --processing, and the  
selected processing is carried out, or the--;  
Line 18, delete "processing amount" insert --amount of the  
data reconstruction processing within a unit  
time,--.

REMARKS

A new title has been provided, the abstract and specification have been amended, claim 1 has been cancelled, and new claims 18-36 have been added. Claims 18-36 are pending, with claims 18, 21, 23, and 29 being independent.

Submitted herewith is an Information Disclosure Statement, consideration of which is respectfully requested.

Submitted herewith are proposed corrections to Figs. 2 and 4-9. Upon approval of the proposed corrections and

receipt of a Notice of Allowance, the drawings will be corrected in accordance with the procedure established therefor.

Claims 18-36 respectively correspond to revised versions of claims 1-19 of U.S. Patent No. 5,495,572 which issued from application Serial No. 07/859,850, the grandparent application of the present Rule 60 continuation application. The primary difference between the two sets of claims is that independent claims 1, 4, 6, and 12 in the patent recite a plurality of data storage means, at least one error correcting data storage means, and at least one spare data storage means, while independent claims 18, 21, 23, and 29 in the present application recite a plurality of storage units.

For example, referring, for example, to Fig. 2, independent claim 18 in the present application recites, inter alia, a plurality of storage units 158, 160, 162, 164, 166, 168, 170, 172, 174, and 176 having stored therein divided data (in 158, 160, 162, 164, 166, and 168) and error correcting data (in 170 and 172) for the divided data, the divided data being data divided into one of bit units, byte units, and arbitrary units stored on separate ones of the storage units, and data reconstructing means for reconstructing divided data stored in any (e.g. in 158) of the storage units in which a failure has occurred based on (1) divided data stored in other ones (e.g. 160, 162, 164, 166, and 168) of the storage units in which a failure has not occurred and (2) the error

correcting data, and storing the reconstructed divided data in at least one of the storage units (in 174 and/or 176).

Claims 18-36 in the present application are identical to claims 18-36 which were considered in the Office Action dated February 18, 1997, issued in application Serial No. 08/534,841, the parent application of the present Rule 60 continuation application. In that Office Action, the Examiner of the parent application rejected claims 18-36 of the parent application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 5,495,572 referred to above, but indicated that this rejection could be overcome by filing a terminal disclaimer.

On July 17, 1997, the same day the present Rule 60 continuation application and the present preliminary amendment were filed, an amendment was filed in the parent application cancelling claims 18-36 in the parent application.

Although the propriety of the obviousness-type double patenting rejection of claims 18-36 in the parent application is not conceded, the applicants intend to file a terminal disclaimer in the present application to obviate such an obviousness-type double patenting rejection in the present application after they receive a post card receipt or filing receipt providing a serial number for the present application.

Please charge any shortage in fees due in connection with the filing of this paper to the deposit account of Antonelli,

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ANTONELLI, TERRY, STOUT & KRAUS, LLP

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(703) 312-6600